



PATENT APPLICATION

FILING UNDER 37 CFR §1.312

EXPEDITED PROCEDURE

TECHNOLOGY CENTER ART UNIT 1634

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ATTN: OFFICE OF PUBLICATIONS

Francois MALLET et al.

Notice of Allowance Mailed
08/01/2005 - Batch/Confirmation No. 1475

Application No.: 09/680,946

Group Art Unit: 1634

Filed: October 6, 2000

Examiner: J. Fredman

Docket No.: 028662.96

For: RNA AMPLIFICATION METHOD REQUIRING ONLY ONE MANIPULATION
STEP

COMMENTS ON STATEMENTS OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

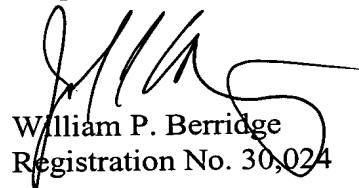
Included with the Notice of Allowance mailed August 1, 2005, is a Statement of Reasons for Allowance. In addition, a Supplemental Statement of Reasons for Allowance is included with the Supplemental Notice of Allowability mailed September 27, 2005.

With regard to the September 27, 2005 Supplemental Statement of Reasons for Allowance, it is noted that claim 50 recites that the ratio of units of reverse transcriptase activity to units of DNA polymerase activity is 2 to 8. In addition, claims 51 and 52 depend from claim 50 and therefore also have this feature. However, claim 53, which is discussed with claims 50-52 in the Supplemental Notice of Allowability, depends from claim 1 and does not recite that the ratio of units of reverse transcriptase activity to units of DNA polymerase activity is 2 to 8. Therefore, the reasons set forth for the allowance of claims 50-53 do not apply to claim 53. Instead, claim 53 is allowable for at least the same reasons as claim 1.

The Statement of Reasons for Allowance included with the Notice of Allowance mailed August 1, 2005, indicates that the claimed invention is allowable "because the prior art of Sellner does not teach or suggest the added step of synthesizing the cDNA at 45 to 75 degrees Celsius." However, independent claim 37, which was never rejected over Sellner, alone or in view of Shimomaye, does not recite synthesizing the cDNA at 45° to 75° C. Thus, the reasons for allowance set forth in this Statement of Reasons for Allowance do not apply to claim 37 or claims 38-49, which depend from claim 37. However, Sellner and Shimomaye fail to teach or suggest the invention of claims 37-49 for at least the reasons set forth in the Amendment filed January 13, 2004. In particular, neither Sellner nor Shimomaye teach or suggest "heat treating said solution at a temperature of from 60° to 75° C, for a time sufficient to permit denaturation of secondary structures without completely inactivating the reverse transcriptase and DNA polymerase activities of said enzyme system," as recited in claim 37.

Should the Examiner have any questions or comments, he is invited to contact Applicants' representative at the telephone number set forth below.

Respectfully submitted,



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WPB:JSA/jam

Date: October 17, 2005

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